



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**

**REGION 8**

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**May 23, 2016**

Ref: 8EPR-N

Patricia O'Connor, Forest Supervisor  
c/o Donald Kranendonk, District Ranger  
Big Piney Ranger District  
Bridger-Teton National Forest  
10418 South U.S. Highway 189, P.O. Box 218  
Big Piney, Wyoming 83113

Re: April 2016 Draft Supplemental Environmental Impact Statement for Oil and Gas Leasing in Portions of the Wyoming Range in the Bridger-Teton National Forest; CEQ # 20160073

Dear Supervisor O'Connor:

The U.S. Environmental Protection Agency Region 8 has reviewed the U.S. Department of Agriculture Forest Service's (USFS's) second Draft Supplemental Environmental Impact Statement (SEIS) for Oil and Gas Leasing in Portions of the Wyoming Range in the Bridger-Teton National Forest (Forest). The Draft SEIS is being prepared in cooperation with the Bureau of Land Management (BLM) to analyze and disclose the effects of authorizing the BLM to offer leasing on all or part of approximately 39,490 acres of the Forest. This area on the eastern slope of the Wyoming Range was previously identified in the Bridger-Teton National Forest Land and Resource Management Plan (Forest Plan) as suitable and available for oil and gas leasing. Our review was conducted in accordance with the EPA's responsibilities under section 102 of the National Environmental Policy Act (NEPA), and Section 309 of the Clean Air Act (CAA).

**Project Background**

The purpose of the Draft SEIS is to inform decision makers on whether leases should be issued for the parcels which were previously sold at competitive oil and gas lease sales. According to the Draft SEIS, the supplemental analysis evaluates new information and corrects deficiencies in previous analyses. Since the 1990 record of decision for the Forest Plan, there have been several attempts to offer parcels of lands for lease with supplemental environmental analysis, resulting in leasing being offered, decisions being appealed, and leases being suspended or cancelled upon request.

There are four alternatives considered in the Draft SEIS:

- Alternative 1, No Action/No Leasing, proposes that the USFS would withdraw consent to lease the project parcels for oil and gas development. The No Action/No Leasing alternative is identified as the Preferred Alternative.
- Alternative 2 authorizes the leasing of the 30 lease parcels under analysis. Stipulations are applied, including approximately 22,194 acres subject to no-surface-occupancy (NSO) stipulations and approximately 14,914 acres subject to controlled-surface-use (CSU) and timing-limitation stipulations.

- Alternative 3 authorizes the same 30 lease parcels but provides enhanced resource protection through additional stipulations for resources including but not limited to big game habitat, migratory birds, greater sage-grouse, and aquatic habitats. NSO, and CSU and timing-limitation stipulations are applied to 31,917 acres and 7,541 acres respectively.
- Alternative 4 authorizes the leasing of the 30 lease parcels, but all parcels would be subject to NSO stipulations for drilling activities.

Currently the level of NEPA analysis is sufficient to support the No Action/No Leasing Preferred Alternative. We offer the following comments for your consideration as you continue through the NEPA process.

### **Comments**

The EPA has outlined concerns in previous comment letters regarding the potential for significant impacts to air quality, water quality and wildlife if a leasing alternative were selected for proposed oil and gas development. Should the No Action/No Leasing Preferred Alternative change during the NEPA process to one of the action alternatives that authorizes leasing, the EPA would provide further detailed recommendations at that time, particularly for air quality analyses including greenhouse gas emissions and climate change.

With the existing substantial oil and gas development in the Upper Green River Basin (UGRB), ambient air quality monitored violations of the CAA's 2008 8-hour ozone NAAQS (75ppb) resulted in the UGRB area being designated as non-attainment (*see* 77 FR 30088, May 21, 2012 and 40 CFR 81.351). Therefore, if an action alternative were to be selected, the UGRB's nonattainment designation requires that the General Conformity provisions of the Wyoming Department of Environmental Quality's Wyoming Air Quality Standards and Regulations Chapter 8, Section 3 (as approved by the EPA 78 FR 49685, August 15, 2013) would need to be considered and addressed as appropriate by the USFS in cooperation with the BLM. Further, many of the proposed lease areas are also in close proximity to the Bridger Wilderness Area. The Bridger Wilderness Area is a federal Class I Area under the CAA, requiring special protection of air quality and air quality related values, such as visibility.

Other new information since the previous 2010 Draft SEIS includes the effects of the Fontenelle Fire of 2012. The fire burned approximately 64,084 acres in the Wyoming Range, including 47,874 national forest acres. It is unclear in some areas of the document if the effects analysis includes updated field data for all resources affected by the fire. However, the Draft SEIS appears to provide conservative assumptions regarding potential impacts to key resources such as aquatic resources and wildlife, including Canada lynx habitat, which is sufficient to support the Preferred Alternative.

Given the high quality of surface water, wetlands and riparian areas within the project area watersheds, protected airsheds within the Bridger Wilderness Area and UGRB, and critical habitat for wildlife that the Wyoming Range supports, the Preferred Alternative alleviates the need for additional analysis and also addresses concerns regarding potential impacts to these highly valued resources. We support the USFS' decision to provide the greatest level of protection to these valuable resources within the project area.

### **EPA Rating**

Consistent with Section 309 of the CAA, it is the EPA's responsibility to provide an independent review and evaluation of the potential environmental impacts of this project. Based on the procedures the EPA

uses to evaluate the adequacy of the information and the potential environmental impacts of the Preferred Alternative, the EPA is rating the Draft SEIS as Lack of Objections (LO). The EPA's rating is based on the USFS' Preferred Alternative, No Action/No Leasing. The LO rating indicates that the EPA's review has not identified any potential environmental impacts requiring substantive changes to the selected proposal. A description of the EPA's rating system can be found at:  
<https://www.epa.gov/nepa/environmental-impact-statement-rating-system-criteria>.

We appreciate the opportunity to participate in the review of this project, and are committed to working with you as you prepare the Final SEIS. If we may provide further explanation of our comments during this stage of your planning process, please contact me at 303-312-6704, or your staff may contact Melanie Wasco, Lead NEPA Reviewer, at 303-312-6540.

Sincerely,



Philip S. Strobel  
Director, NEPA Compliance and Review Program  
Office of Ecosystems Protection and Remediation

